

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**In re: Subpoena to Sadis & Goldberg, LLP**

**SHELA M. BLACKWELL and JO ANN  
BATTIESTE, on behalf of the Sta-Home  
Health & Hospice, Inc. Employee Stock  
Ownership Plan, and on behalf of a class of  
all other persons similarly situated,**

**Plaintiffs,**

**v.**

**BANKERS TRUST COMPANY OF  
SOUTH DAKOTA, a South Dakota  
Limited Liability Corporation,**

**Defendant.**

**Misc. Action No. 1:19-mc-483**

**MOTION TO VOLUNTARILY DISMISS MISCELLANEOUS ACTION**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs Shela Blackwell and Jo Ann Battieste (“Plaintiffs”) voluntarily dismiss this miscellaneous action in which Plaintiffs filed a motion to compel Sadis & Goldberg, LLP (“Sadis”) to comply with a subpoena duces tecum (the “Motion to Compel”). In support thereof, Plaintiffs state as follows:

1. Plaintiffs opened this miscellaneous action and filed the Motion to Compel on October 24, 2019. Dkt. 1.
2. Plaintiffs, Sadis, and other parties were ultimately able to resolve the underlying discovery dispute without further involvement by this Court.
3. Sadis never served an answer or a motion for summary judgment in this miscellaneous action.

4. The underlying action, *Blackwell v. Bankers Trust Company of South Dakota*, 18-cv-141 (S.D. Miss.), was settled and a final judgment and order of dismissal with prejudice was entered on June 23, 2021.

5. Plaintiffs therefore respectfully request that the Court enter an order dismissing this miscellaneous action.

Dated: December 31, 2021

Respectfully submitted

**BAILEY & GLASSER LLP**

/s/ Mark G. Boyko

Mark G. Boyko (Bar #4306122)

BAILEY & GLASSER LLP

1055 Thomas Jefferson Street, NW,  
Suite 540

Washington, DC 20007

Telephone: (202) 463-2101

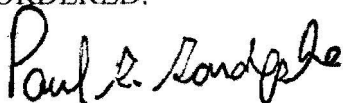
Facsimile: (202) 463-2103

mboyko@baileyglasser.com

**Memo Endorsed:** The application is granted. The Clerk of Court is directed to close the case.

Dated: January 3, 2022

SO ORDERED.



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Paul G. Gardephe  
United States District Judge

***Attorney for Plaintiffs***